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AN INTRODUCTION TO THE NIGERIAN TECHNOLOGY LAWYER

1. What Technology Law Actually Is

The field of Technology Law in Nigeria commands an intrigue that most emerging areas of law are associated with. This is largely because it is not conventionally taught in our Nigerian Universities, and for some Lawyers, it presents a niched aspect of practice to explore. Moreover, the increased use and deployment of information and communication technology to solve human problems has marked an increase in tech companies seeking to bridge that gap; which makes the legal knowledge and skills to service these companies increasingly relevant.

As is often the case with many practice areas, Technology Law is not a discrete body of rules in the way that Land Law or the Law of Evidence is. It is better described as a method of practice: the application of many existing bodies of law to businesses whose products are software, data, networks, or automated decisions.

In practice, a technology lawyer advising a single client draws upon knowledge that spans those of a company lawyer, a data protection lawyer, a financial services regulatory lawyer, an intellectual property lawyer, a consumer protection lawyer, a tax lawyer and occasionally a criminal defence lawyer, depending on which part of the client's business is under pressure at the relevant time. A simple example would be a Nigerian company which builds a mobile application that lets users save money in small daily amounts and earn interest. There are several bodies of law which regulate different aspects of the above company's corporate existence and business. Some of which are;

The company is incorporated under the Companies and Allied Matters Act 2020

- It collects names, phone numbers, bank verification numbers and transaction histories, so it qualifies as a data controller under the Nigeria Data Protection Act 2023.
- It holds or moves customer funds, so it needs a licence from the Central Bank of Nigeria, or a partnership with a business that has one.
- Its source code is viewed as a literary work, protected under the Copyright Act 2022.

All these distinct areas of law interfacing with one another regulate the conduct and business of the average Technology company in Nigeria. The practical implication of the foregoing is that a technology lawyer's core skill is not merely memorising the statutes that regulate these companies. It is the continuous analysis of a client's product or service to map and identify which regulators have a claim on it, which permissions must be obtained before launch, which contracts must exist, and which of the client's processes create criminal or regulatory exposure etc.

2. The Nigerian realities that shape its Technology Law practice

A Lawyer advising technology companies in Nigeria needs to understand and familiarize himself with the robust governance and regulatory frameworks that affects his client's business and this goes outside of statutory rules and case law in most circumstances, extending into policies and directives of regulatory bodies. Some key features to bear in mind about the Nigerian legal and corporate environment are;

First, the regulation happens mostly through subsidiary instruments, not statutes. The National Assembly passes a broad enabling law; the established regulatory agency then issues the rules that actually regulate businesses. The Nigeria Data Protection Act 2023¹ is a common example. While the Act sets out the core legal framework, rights and principles for data privacy in Nigeria, the policy document (circulars) that tells a company how many data subjects trigger registration, what a cookie banner must look like, and when an audit is due, is the General Application and Implementation Directive (GAID) 2025² [Nigeria Data Protection Commission (2025). Nigeria Data Protection Act (NDP Act) 2023¹ General Application and Implementation Directive (GAID) 2025², issued by the Nigeria Data Protection Commission on 20th March 2025 and effective from 19th September 2025. A lawyer must pair the statutes with the policy directives from respective regulatory agencies in advising his clients.

Second, regulation by circular means the rules can quickly change without warning, or can sometimes be reversed and it is the Lawyer's duty to ensure that their clients' business is not adversely affected due to non-compliance with such rapid changes by properly tracking and advising their clients accordingly, to mitigate any potential hardships where possible. The clearest illustration of this position is the cybersecurity levy incident of 2024. The Cybercrimes (Amendment) Act 2024³ Cybercrimes (Prohibition, Prevention, etc.) Act, 2015 (as amended in 2024) S. 44(1)(a) clarified a levy of 0.5% on the value of electronic transactions by businesses listed in the Second Schedule to the Act. The Central Bank of Nigeria then issued a circular on 6th May 2024 directing banks and payment providers to begin deducting said levy. Following widespread public criticism, the House of Representatives directed the Central Bank of Nigeria to withdraw the circular and suspend implementation, pointing out that the circular was not framed in accordance with the legal provisions of the Cybercrimes Prohibition Act.⁴ The Central Bank of Nigeria issued a revised circular on 17th May 2024 withdrawing the earlier direction.⁵

Third, for most technology companies, regulatory mandates overlap. This means that two or more different government regulators can concurrently have authority over the exact same technology or product, company and its activities. For instance, a mobile digital lending app is simultaneously regulated by the Federal Competition and Consumer Protection Commission under its digital lending framework, the Central Bank of Nigeria if it is a licensed institution, the Nigeria Data Protection Commission for its contact-list harvesting and its role as a data controller, and the Nigerian Communications Commission if it sends bulk messages to its customers. The courts have further affirmed this position when the Federal High Court, in February 2025, ruled that the Nigerian Communications Commission does not have exclusive competition jurisdiction over telecommunications in Nigeria, and that the Federal Competition and Consumer Protection Commission exercises concurrent jurisdiction⁶ reading section 90 of the Nigerian Communications Act 2003 together with section 104 of the Federal Competition and Consumer Protection Act 2018⁷.

Fourth, enforcement of regulatory fines and penalties is not theoretical but very real. Nigerian technology regulation has been widely viewed as advisory with companies in default, both big and small, sometimes never feeling the weight of the law brought down on them. This made such companies very reactive in their approach towards regulatory compliance. This is no longer the case. The Nigeria Data Protection Commission fined MultiChoice Nigeria ₦766.2 million in July 2025 for intrusive and disproportionate processing of personal data and unlawful cross-border transfers.⁸ By January 2026, the Commission reported that it had concluded 246 investigations and generated ₦5.2 billion.⁹ The Federal Competition and Consumer Protection Commission also delisted non-compliant lending apps in July 2023 and ordered Google to remove them from their Play Store.¹⁰ These regulator moves show that legal advice must strongly advocate for strict compliance to avoid being negligent.

¹ Nigeria Data Protection Act, No. 37, Vol. 110 (2023)

² Nigeria Data Protection Commission (2025). Nigeria Data Protection Act (NDP Act) 2023 General Application and Implementation Directive (GAID) 2025, NDPC/NDP ACT-GAID/01/2025. <<https://ndpc.gov.ng/wp-content/uploads/2025/07/NDP-ACT-GAID-2025-MARCH20TH.pdf>>

³ Cybercrimes (Prohibition, Prevention, etc.) Act, 2015 (as amended in 2024) S. 44(1)(a)

⁴ Peoples Gazette (2024). Reps direct CBN to halt cybersecurity levy implementation, say it's for companies not individuals. <<https://gazettengr.com/reps-direct-cbn-to-halt-cybersecurity-levy-implementation-says-its-for-companies-not-individuals/>>

⁵ Central Bank of Nigeria (2024). Re: Cybercrimes (Prohibition, Prevention, Etc) (Amendment) Act 2024 - Implementation guidance on the collection and remittance of the national cybersecurity levy (Circular Ref: PSM/DIR/PUB/LAB/017/005). <<https://www.cbn.gov.ng/Out/2024/CCD/WITHDRAWAL%20CIRCULAR%20ON%20CYBERSECURITY%20LEVY%2017052024.pdf>>

3. The Regulator Map: Who regulates some core aspects of Nigerian tech business

A Nigerian technology lawyer should be able to identify and advise on which areas of law regulate his clients' business at a glance. It is important to understand when his clients' businesses meet the criteria for reporting and compliance obligations across overlapping regulators and at what stages of his clients' businesses such laws become relevant. Highlighted below are the regulators that exercise a statutory mandate over some core aspects of technology business in Nigeria;

- The Corporate Affairs Commission oversees incorporation, share capital, and beneficial ownership.
- The Nigeria Data Protection Commission oversees all personal data processing.
- The Nigerian Communications Commission oversees telecommunications licences, spectrum, value added services and SIM registration.
- The Central Bank of Nigeria oversees payments, deposits, lending by licensed institutions, foreign exchange and capital importation where relevant.
- The Securities and Exchange Commission oversees securities, which since 2025 now include digital and virtual assets.
- The Federal Competition and Consumer Protection Commission oversees consumer protection and competition across all sectors.
- The Nigerian Copyright Commission oversees copyright administration and enforcement.
- The Nigeria Revenue Service oversees taxation across all levels of government.
- The National Office for Technology Acquisition and Promotion oversees registration of agreements importing foreign technology.
- The Trademarks, Patents and Designs Registry oversees industrial property.
- The National Information Technology Development Agency handles IT standards, the Startup Act secretariat function, the platform Code of Practice and now cloud governance.
- The Office of the National Security Adviser, through the national Computer Emergency Response Team and the

National Cybersecurity Coordination Centre, handles cybersecurity incident coordination and cyber threat management.

4. Tips for novel Technology Lawyers looking to build a practical compliance sequence

For a Lawyer onboarding a Nigerian technology client, the following are some key considerations;

- a. Map the product. Write down what data the product collects, what money it moves, what content it hosts, and what it licenses from third parties. Most regulatory questions flow from these four.
- b. Confirm the corporate structure. Analyse mode of incorporation, share structure, foreign shareholder registrations, business permit (where applicable), whether an offshore parent company exists, and whether all required documentation between both companies (HoldCo & OpCo) is accurate and complete.
- c. Identify licences needed before launch, not after. These could be for payments, lending, securities, telecommunications value added services etc. Confirm whether a partnership with a licensee is a lawful alternative to holding the licence.
- d. Build the data protection file. Draft and document privacy notices, cookie mechanisms, lawful basis register, record of processing, data processor agreements, impact assessments, Data Protection Officer designation, registration with the Commission, breach procedure, audit calendar etc.
- e. Classify the company's data and review the cloud arrangements. Identify any regulated or sovereign data categories, confirm hosting locations, and review cloud contracts for portability, interoperability, encryption key control, audit rights and exit assistance.
- f. Secure intellectual property. Ensure assignments from every founder, employee and contractor to the company; secure trade mark applications for the brand; ensure NOTAP presentation for any inbound foreign technology agreement within 30 days of execution.
- g. Assess tax position. Verify tax registration, VAT treatment including non-resident supply rules, development levy

⁶ Emeka Nnubia v. Honourable Minister of Industry, Trade and Investment & 2 Ors (Unreported, Suit No: FHC/L/CS/1009/2024, judgment delivered 7 February 2025).

⁷ Federal Competition and Consumer Protection Commission (2025). FCCPC floors MTN: Court affirms its regulatory authority in the telecommunications sector <<https://fccpc.gov.ng/fccpc/floors-mtn-court-affirms-its-regulatory-authority-in-the-telecommunications-sector/>>

⁸ Vanguard (2025). NDPC fines Multichoice N766m for data breach. <<https://www.vanguardngr.com/2025/07/ndpc-fines-multichoice-n766m-for-data-breach/>>

⁹ Businessday (2026). NDPC concludes 246 investigations, generates N5.2bn in show of ironclad enforcement. <<https://businessday.ng/technology/article/ndpc-concludes-246-investigations-generates-n5-2bn-revenue-in-show-of-ironclad-enforcement/>>

¹⁰ Federal Competition and Consumer Protection Commission (2023). Registration of digital money lenders under the inter-agency joint task force's Limited Interim Regulatory/Registration Framework and Guidelines for Digital Lending 2022. <<https://fccpc.gov.ng/registration-of-digital-money-lenders-under-the-inter-agency-joint-task-forces-limited-interim-regulatory-registration-framework-and-guidelines-for-digital-lending-2022/>>

computation and assess transfer pricing documentation for intercompany charges.

- h. Establish incident readiness by developing and maintaining an overarching Incident Response Master Plan supported by separate, stand-alone mini-playbooks for each specific regulator you need to report to in case of a data breach. So, when an incident happens, you only grab the specific playbook you need. It also helps to draft reporting templates for each regulator and public customer communication.
- i. Document the recurring obligations: annual returns to the Corporate Affairs Commission, data protection compliance audit returns, licence renewals, NOTAP renewals and tax filings.

5. Conclusion

Technology law in Nigeria is best viewed as a discipline of integration. The Lawyer's value lies in taking the product description and understanding the web of legal threads connected to it - whether corporate, data, financial, intellectual, consumer, criminal, evidential, fiscal or infrastructural. By doing this, they help clients ensure that permissions precede launch, compliance stays up-to-date and operational evidence is built before any dispute. Like any other, technology law practice is fluid and demands constant learning and verification of the current text of regulatory instruments, the current circulars, and the current enforcement posture of the regulator before advising clients.

